

Potential Presentation Topics

The Professional Liability Defense Federation seeks to present programs presented with as diverse a field of speakers as possible and we strive to bring to life our commitment to diversity (see diversity policy below). PLDF members are our go-to speakers. Our members bring substantial experience and expertise in their fields and are the preferred speakers at PLDF events.

PLDF Diversity Policy

The Professional Liability Defense Federation is committed to expanding opportunities for all members of the legal defense and claims management professions. We recognize that support for all, including those historically underrepresented in our fields of practice, is central to American life and business. Juries — our decision-makers — reflect North America's diversity. We consider it vital that legal and claims professionals expand their awareness of cultural impacts on verdict decision-making and case presentation strategies respectful of these differences. Accordingly, PLDF supports diversity in our member recruitment efforts, in our committee and association leadership positions, and in the choices of counsel, expert witnesses and mediators involved in professional liability claims.

The following list of potential topics is not exhaustive and is only provided as suggested topic areas. We encourage creativity, engagement, and industry involvement in all presentations.

A. Medical Claims

1. National Practitioner Data Bank ramifications and settlement avoidance
2. Risk management affecting physician extenders
3. Defense of telemedicine and virtual practice claims
4. Nurse practitioner defense strategies
5. Handling of a transference case
6. Nursing home/LTC/ALF update a. Federal False Claims Act b. HIPAA/HITECH
7. Pharmacists liability
8. Medical device litigation and defense strategies
9. Birth injury case defense strategies
10. Preparing the doctor for informed consent examination
11. Risks of treating diabetics and preparation approaches
12. Defending lost chance claims
13. Psychiatry: duties to third parties
14. Use of medical literature at trial
15. Expanding scope of radiological claims
16. Handling nosocomial infection claims
17. What's new in bariatric surgery claims
18. Defense of cancer cases
19. Update on anesthesiology claims
20. Data security risk management
21. Challenging life care plan opinions
22. Defense of hospitals

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B. Other Healthcare Claims

1. Chiropractors, dentists, psychologists, clergy, social workers, naturopaths, optometrists, acupuncturists, midwives, podiatrists, etc.
2. Failure to refer claims and defenses
3. Supplement recommendations and outcomes
4. Res ipsa loquitur developments
5. Establishing the profession at trial, parrying the not-real-doctors argument
6. NPDB ramifications of claims

C. LPL Claims and Legal Ethics

1. Professional conduct rules and new risks
2. Liability to third-parties, as privity ebbs
3. Data breach/cyber liability claims

Update on judgmental immunity

4. Role of ethics officer, general counsel, attorney-client privilege within the law firm
5. Federal statutes and new claims
6. Improvident settlement claims
7. Defusing lawyer animus stereotypes with the jury
8. Defenses of comparative fault, claim-beyond-representation-scope, no client relationship, retention letter limitations, arbitration
9. Attorney discipline evidence
10. Claim repair strategies
10. Any aspect of legal malpractice litigation

D. Construction Design Claims

1. Claim trends and typical liability theories and defenses
2. Contractual limitations of liability, loss allocation and insurance procurement
3. Third-party liability to lenders, patrons, occupants, developers
4. Role of building codes in the litigation
5. Trial of the multi-party claim and best practices

E. D&O Claims

1. Corporate opportunities/self-dealing claims and trade secret misappropriation
2. Corporate asset dissipation and minority shareholder disputes
3. Employment discrimination claims
4. Managerial incompetence claims and defenses
5. Common law and statutory claims and defenses
6. Shareholder derivative and class action claims and defenses
7. Business judgment rule defense
8. Deepening insolvency litigation update
9. Securities class actions
10. Actions arising out of mergers and acquisitions
11. Exposure to whistleblowers
12. Climate change risk: adequacy of financial consequences assessments

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13. Foreign Corrupt Practices Act
14. SEC enforcement actions
15. Compensation claw-back claims
16. Cyber liability

F. Insurance Agent and Broker Claims

1. Defense of failure to procure claims
2. Defense strategies when both agent and insurer are sued
3. Effects of insurer or agent settlements
4. Subagents, apparent authority, vicarious liability
5. Defending the inadequate limits claim
6. Coverage explanation adequacy
7. Policy expiration management and claims after cancellation
8. Dealing with indemnity paragraphs in agency agreements
9. Policyholder comparative fault
10. No causation (policy would not have covered), insufficient time to procure, and damages defenses

G. Investment Representative Claims

1. Defense of FINRA investment loss claims
2. Defense of investor comparative fault
3. ERISA claim primer
4. Overview of the key regulatory laws and defenses
5. Suitability, churning, portfolio allocation prudence, nondisclosure and misrepresentation, trade execution
6. Survey of statutory and common law claims
7. Defenses of FINRA eligibility, no justifiable reliance, in pari delicto, compliance with fiduciary duty
8. Role of broker/planner ethics rules on the liability claim
9. Elder financial abuse

H. Accountant Claims

1. Board and association standards: effect on liability and defenses
2. New risks posed by recent federal statutes and regulations
3. Success of engagement letter exculpation provisions as defenses
4. Accountant defendants in securities litigation/auditor liability and defenses
5. Survey of typical claims and defenses
6. Liability to third-parties
7. Comparative fault defense 8. Defending damages claims in accountant malpractice litigation

I. Real Estate Agent and Broker Claims

1. Also mortgage brokers, appraisers, mortgage closers and mortgage lender claims
2. Common claim contexts and allied defenses
3. New lessons learned in the Great Recession
4. Self-dealing, failure to disclose offers, and conflicts of interest
5. Open houses and premises liability claims and defenses

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6. Housing discrimination claims
7. Property detail nondisclosure claims and defenses
8. Role of the purchase agreement and contractual liability limitations
9. Measures of damages variations
10. Realtor E&O
11. Fair Housing Act statutory claims

J. Miscellaneous PL Claims

1. Emerging risks
2. Employment practices litigation
3. Computer, website, internet and cyber-related consultants
4. Credit counselors, credit bureau, collection agencies
5. Educational/seminar designer/presenters
6. Employment agency/executive search
7. Homeowners associations
8. School districts/teachers
9. Mortgage brokers/bankers
10. Freight forwarder/customs house brokers
11. Translators
12. Clinical/analytical testing laboratories
13. Auctioneers
14. Travel agencies/tour operators
15. Business brokers
16. PR, marketing, promotion agencies
17. Title abstractors
18. Standards organizations
19. Employee benefit plan consultants
20. Management consultants
21. Interior decorators
22. Trustees/fiduciaries
23. Environmental consultants
24. Bookkeeping/tax preparation services
25. Property managers
26. Third party administrators/claims adjusters
27. Lien collection agencies
28. Data security breach

K. Trial Tactics

1. Winning at the outset: voir dire techniques, assessing the jury, social media usage
2. Cross-examination techniques via lecture or hypothetical case mock trial segment
 - a. Doctor or engineer
3. Favorite generic themes in PL trial final arguments
4. Preparing the arrogant/talkative/insecure/emotional client for examination
 - a. Preparing the adjuster for examination

Potential Presentation Topics

5. Using Summation/Concordance/Trial Director, etc. effectively at trial
 6. Impeaching adverse witnesses using video depositions and written transcript snippets
 7. E-discovery update
 8. Mediating malpractice claims and mediation advocacy techniques
 9. Board discipline advocacy
- L. Claims Adjuster CEU Segment
1. Role of Unfair or Deceptive Acts or Practices statutes in loss adjustment
 2. Role of Deceptive Trade Practices and Consumer Protection statutes
 3. Insurer/adjuster ethical behavior rules
 4. Confidentiality and privacy
 5. Insurance principles and coverages
 6. Industry panel segment on professional liability claims handling
- M. Miscellaneous
1. Legal Marketing
 2. Attorney wellness
 3. Professional Liability Insurance Coverage Update